

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Reconsideration of a Decision	)	DA 18-1209 Released November 30, 2018
By the Wireline Competition Bureau for	)	
Pulaski County Schools, Virginia	)	
	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**Petition for Reconsideration**

In accordance with CFR 47, Section 1.106(b)(2)(i),(ii), 1.106(c)(2), and 1.106(d)(2) Pulaski County Schools (Pulaski) requests reconsideration of a decision by the Wireline Competition Bureau (Bureau), DA 18-1209 released November 30, 2018.<sup>1</sup> Pulaski is at a complete loss to understand the Bureau's logic in denying Pulaski's original appeal. Consistent with absolutely clear precedent, Pulaski asks the Commission to overturn this decision and restore badly needed funding to Pulaski.<sup>2</sup>

**Form 471 Application Number: 171041390**

**FRN: 1799094105**

**Billed Entity Number: 126605**

**FCC Registration Number: 0013816277**

Pulaski County Schools, located in rural central Virginia, serves a community struggling with high unemployment and severely limited resources. Pulaski's geographic isolation makes

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<sup>1</sup> Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company DA 18-1209, Rel. November 30, 2018, CC Docket No 02-6.

<sup>2</sup> Acorn Public Library, DA 08-2376, Rel. October 30, 2008; Bishop Perry, FCC 06-54, Rel. May 19, 2006; Academy of Academic Excellence, DA 07-1180, Rel. March 9, 2007; Greenfield Public School District, DA 06-487, Rel. February 28, 2006 (Deployment). CC Docket 02-6.

broadband connectivity more costly than urban areas but also more critical to the community, as there are very few alternative sources of public Internet in the county.

Pulaski applied for E-Rate discounted funding for telecommunications service and Internet access for funding year 2017. Pulaski was denied funding for the above captioned FRN because of a clerical error with the application resulting in the appearance of a 28 day bidding violation. Before Pulaski had an opportunity to appeal the decision, the E-Rate coordinator became ill and died on February 2, 2018.<sup>3</sup> The E-Rate coordinator also served as Technology coordinator for the school division and the department was thrown into turmoil at the sudden loss of a key employee. Pulaski appealed the decision as soon as it was aware of the funding denial.

The Commission has held that special circumstances warrant waiver of filing and appeal deadlines. Established precedent for waiver include: the death of the E-Rate coordinator, the military deployment of the E-Rate coordinator, illness of the E-Rate coordinator or immediate family, and natural disaster.<sup>4</sup> Dianne Dripps was the E-Rate coordinator for Pulaski for several years and was the sole contact for application questions. Ms. Dripps became seriously ill in late 2017 and died on February 2, 2018. Her illness and death were contributing factors with confusion surrounding responses to Administrator questions and failure to timely file an appeal with the Commission.

## **Discussion**

Pulaski submitted its original timely filed appeal requesting the Commission overturn the funding denial for the two FRN captioned above. Pulaski requested waiver of the 60 day appeal

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<sup>3</sup> Death Notice: <https://grubbfuneralhome.com/tribute/details/228/Dianne-Dripps/obituary.html>

<sup>4</sup> Acorn Public Library, DA 08-2376, Rel. October 30, 2008; Bishop Perry, FCC 06-54, Rel. May 19, 2006; Academy of Academic Excellence, DA 07-1180, Rel. March 9, 2007; Greenfield Public School District, DA 06-487, Rel. February 28, 2006 (Deployment).

deadline because of the untimely illness and death of the E-Rate coordinator and technology director, days after issuance of the Administrator's funding denial. Without question, the circumstances warrant waiver of the appeal filing deadline.

Pulaski also addressed the apparent violation of the 28 day posting requirement in the original appeal. Subsequent to the filing, Pulaski received a telephone call from a Commission official asking for additional information regarding the 28 days. Pulaski responded with a supplement to the original appeal on October 23, 2018. The Commission telephone request was information unknown to Pulaski at the time of original filing.

Pulaski explained in the original appeal that the contract award date for FRN 1799094105 was entered incorrectly as a clerical error. Indeed, the Form 470 had been posted for the required 28 days before Pulaski considered all responses and selected Citizens as the service provider for Pulaski under an existing, master contract. Pulaski was under an existing five-year contract with Citizens originally signed in May 2013. The Form 470 used to open bidding for this contract was 761090001127498. This Form 470 was used on E-Rate applications for Fund Year 2014, FRN 2698502 and Fund Year 2015, FRN 2848212.


In Fund Year 2016 Ms. Dripps mistakenly used Form 470 Number 378010001344160 for FRN 1699106141 (continuation of the Citizens multi-year contract). Form 470 Number 378010001344160 was a 2015 Form 470 used for securing voice services in 2015. Ms. Dripps cited the original contract award date from previous years. The only difference was the incorrect Form 470. This mistake was not detected during Fund Year 2016 review and the application was funded as submitted. We note that 2016 was the first year of the EPC Portal and plagued with system errors cited in numerous Commission appeals and decisions.

In Fund Year 2017, Ms. Dripps cited information from the Funded 2016 application as a continuation of the existing contract. Unlike review of the 2016 application, the Administrator noted the contract award date discrepancy and initiated an EPC review. As noted earlier, Ms. Dripps was ill during the 2017 application review which clouded her responses to the Administrator. The entire issue could have been easily resolved by changing the establishing Form 470 to the one used in Fund Years 2014 and 2015.

We ask the Commission to reconsider its decision and remand this application to the Administrator for review on its merits and waive the 60 day appeal deadline due to special circumstances in the death of Pulaski's E-Rate coordinator. Upon further review by the Administrator, the Form 470 number can be corrected.

Respectfully Submitted,

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